

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: William N. Youstra	Art Unit	: 2157
Serial No.	: 09/867,797	Examiner	: Avi M. Gold
Filed	: May 31, 2001	Conf. No.	: 6602
Title	: AUTHENTICATION OF ELECTRONIC DATA		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

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BRIEF ON APPEAL

**(1) Real Party in Interest**

AOL LLC, the assignee of this application, is the real party in interest.

**(2) Related Appeals and Interferences**

There are no related appeals or interferences.

**(3) Status of Claims**

Claims 1, 19, 20, 25, 33, 34, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,465 ("Leeds") in view of U.S. Patent No. 6,766,352 ("McBrearty") in a final Office Action mailed August 24, 2006 ("final Office Action"). Additionally, claims 2, 3, 5-7, 9-17, 22, 23, 26, 27-31, 36, 37, and 40-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leeds and McBrearty further in view of U.S. Patent No. 6,691,156 ("Drummond"); claims 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leeds and Drummond further in view of U.S. Patent No. 6,438,597 ("Mosberger"); claims 18 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leeds and McBrearty further in view of U.S. Patent 6,714,982 ("McDonough"); and claims 21, 24, 35, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leeds and McBrearty further in view of U.S. Patent No. 6,104,990 ("Chaney"). A Notice of Appeal and a Pre-Appeal Brief Request for Review were filed on November 22, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review, mailed on February 26, 2007, maintained the rejections of claims 1-52.

**(4) Status of Amendments**

Claims 1-52 are pending in this application, with claims 1, 19, 20, 25, 33, 34, and 39 being independent. Claims 1-52 have not been amended after the final Office Action. Thus, all amendments have been entered. The claims are copied in Appendix A.

**(5) Summary of Claimed Subject Matter**

The claimed subject matter is directed to transmitting and receiving electronic data. The following summarizes each independent claim with reference to the application and drawings.

Independent claims 1, 19, and 20 are directed to a method, apparatus, and computer program stored on a computer-readable medium, respectively, that may be used to transmit electronic data. In one particular example, a communications system host receives electronic data transmitted from a sender and addressed to an intended recipient. See application at page 17, line 21 and Fig. 7 (710). The electronic data is endorsed based on attributes of the electronic data. See application at page 17, lines 26-31. The electronic data is modified with endorsement information so that the presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages. See application at page 15-29 and Fig. 8A (compare the first icon 815 with the second icon 820). See also application at page 19, line 30 to page 20, line 7 and Figs. 9A and 9B (compare the distinguishable border 910A with the standard border 910B).

Independent claims 25, 33, and 34 are directed toward a method, apparatus, and computer program stored on a computer-readable medium, respectively, for receiving electronic data transmitted from a sender to an intended recipient through a communications system. The communications system endorses the electronic data based on the attributes of the electronic data. See application at page 17, lines 26-31. Information indicating that the electronic data has been endorsed is received from a communications system host. See application at page 18, line 31 to page 19, line 1. Information is rendered to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed so that rendering the electronic data visually distinguishes endorsed messages from nonendorsed messages. See

application at page 19, lines 15-22 and Fig. 8 (compare the first icon 815 with the second icon 820).

Independent claim 39 is directed toward a graphical user interface for rendering information associated with electronic data transmitted from a sender to an intended recipient. See, e.g., application at Fig. 8 (showing the UI 800 and the "New Mail" folder 810 for displaying attributes of received messages). The graphical user interface renders the endorsement information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed. See, e.g., application at Fig. 8. The graphical user interface includes a border indicative of endorsement around contents of the electronic data so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages. See application at Figs. 9A and 9B (compare the "Unofficial Mail" template 905B having a standard border 910B with the "Official AOL Mail" template 905B having a distinguishable border 910A).

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

The final Office Action of August 24, 2006 ("final Office Action") asserts that claims 1, 19, 20, 25, 33, 34, and 39 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,393,465 ("Leeds") in view of U.S. Patent No. 6,766,352 ("McBrearty").

With respect to claims 1, 19, and 20, the final Office Action argues that Leeds teaches "receiving, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient," "endorsing the electronic data based on attributes of the electronic data," and "modifying the electronic data with endorsement information." See final Office Action at page 2, line 21 to page 3, line 6. The final Office Action acknowledges that Leeds does not show "the presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages." See final Office Action at page 3, lines 7-8. For this feature, the final Office Action relies on McBrearty. In particular, the final Office Action argues that "McBrearty teaches a method and system for identifying a user when files being displayed on a client system of a network are caches files." See final Office Action at page 3, lines 9-10.

**(7) Argument**

*Modification of Leeds with McBrearty would not have been obvious because the proposed modification renders Leeds unsatisfactory for its intended purpose*

Claims 1, 19, 20, 25, 33, 34, and 39 have been rejected over Leeds in view of McBrearty. For the reasons set forth below, Applicant requests reversal of this rejection.

As indicated by the final Office Action, Leeds fails to describe or suggest “modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.” For this feature, the final Office Action relies on McBrearty. However, as describe below, one of ordinary skill in the art would not have been motivated to modify Leeds with McBrearty in the manner suggested in the final Office Action.

Leeds is directed to a spam filtering system. As noted in the abstract, Leeds uses a scoring system to determine whether incoming mail can be deleted. See Leeds at Fig. 6b (a rating is assigned a message and used to process the message); see also Leeds at col. 4, lines 55-60 (a score of 100 can be used to trigger automatic deletion of a message). The scoring system in Leeds performs analytical operations before the user perceives a message. Moreover, Leeds does not describe how a message is presented to a user nor how presentation of a message is based on the message-processing operations that are performed. As such, Leeds does not describe or suggest “modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.”

Realizing this deficiency of Leeds, the final Office Action relies on McBrearty to show “presentation of the electronic data that visually distinguishes endorsed messages from nonendorsed messages,” suggesting that it would have been obvious to modify Leeds with the teachings of McBrearty. See final Office Action at page 3, lines 13-15. The final Office Action argues that one of ordinary skill in the art would be motivated to modify Leeds with McBrearty “because it is a way of visually confirming endorsement without the user needing to read any

text.” See final Office Action at page 3, lines 15-17. Applicant respectfully disagrees for the reasons discussed below.

McBrearty relates to techniques for displaying files requested by a user on a client system and identifying whether the file is a cached file or a newly downloaded file. See McBrearty at Abstract and col. 1, lines 16-20. The requested file is displayed to the user in a graphical user interface along with an indicator that informs the user of whether the file is a cached file. See McBrearty at col. 2, line 65 to col. 3, lines 2.

The modification of Leeds with McBrearty suggested by the final Office Action would not have been an obvious modification because the suggested modification would render Leeds unsatisfactory for its intended purpose. A proposed modification of the prior art that renders it unsatisfactory for its intended purpose is not an obvious modification. See MPEP § 2143.01(V). Leeds relates to techniques to provide “enhanced blocking of junk email.” See Leeds at col. 2, lines 10-13. In particular, Leeds’ techniques involve determining whether an email is a junk email (or spam), and either filing or deleting emails deemed to be spam before the intended recipient perceives the spam email. See Leeds at col. 6, lines 25-34; Fig. 6b (showing steps 238 and 248 that “file mail based on confidence rating rules”); col. 8, lines 4-9. See also Leeds at Fig. 4 (showing that a message is marked as a suspected junk e-mail and routed “to trash or junk e-mail suspect holding location”).

Thus, Leeds’s techniques prevent the intended recipient from perceiving emails that are deemed to be spam. This is contrary to McBrearty, which displays a user-requested file to the requesting user along with an indication of whether the file is a cached file. In other words, McBrearty displays both locally-cached and newly-downloaded files to the requesting user. In contrast, Leeds does not display emails deemed to be spam to the intended recipient. Indeed, as noted above, a purpose of Leeds is to block junk email before it can be perceived in any way by the intended recipient. As such, there would have been no motivation to modify Leeds with McBrearty in order to provide “a way of visually confirming endorsement without the user having to read any text,” as argued by the final Office Action. There would have been no motivation to modify Leeds with the teachings of McBrearty.

The Advisory Action notes that Leeds and McBrearty are analogous art because “they are both centered on electronic data.” See Advisory Action of Nov. 13, 2006 at page 2. Applicant

respectfully notes that, regardless of whether Leeds and McBrearty are analogous art, there would have been no motivation to combine these references for the reasons discussed above.

Because it would not have been obvious to modify Leeds with the teachings of McBrearty, Applicant respectfully requests reversal of the rejection of claim 1, and claims 2-18 and 40-46, which depend from claim 1.

Claims 19-39 recite limitations that are similar to those discussed above for the purpose of the rejection raised with respect to claim 1. Accordingly, Applicant respectfully requests reversal of the rejection of independent claims 19, 20, 25, 29, 33, 34, and 39, along with claims 21-24, 26-28, 30-32, 35-38, and 47-52, which depend from these independent claims.

Furthermore, none of the other references used in making the obviousness rejection in the final Office Action of August 24, 2006 describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages," as recited by claim 1. Accordingly, the rejections based on those references also should be reversed.

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Respectfully submitted,



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### **Appendix of Claims**

1. (Previously presented) A method for transmitting electronic data, the method comprising:  
receiving, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient;  
endorsing the electronic data based on attributes of the electronic data; and  
modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.
2. (Previously Presented) The method of claim 1 wherein endorsing comprises identifying the sender of the electronic data.
3. (Original) The method of claim 2 wherein the sender is identified by a screen name.
4. (Original) The method of claim 2 wherein the sender is identified by an IP address.
5. (Previously Presented) The method of claim 1 wherein endorsing further comprises designating a level of security corresponding to the sender of the electronic data.
6. (Previously Presented) The method of claim 1 wherein endorsing further comprises verifying that at least one attribute of the electronic data is an attribute of an authorized sender.
7. (Original) The method of claim 2 wherein the attribute comprises a screen name.
8. (Original) The method of claim 2 wherein the attribute comprises an IP address.
9. (Previously Presented) The method of claim 1 wherein endorsing further comprises designating a level of security corresponding to at least one attribute of the electronic data.



10. (Original) The method of claim 1 further comprising:  
storing content of the electronic data in a first storage area of the communications system host; and  
storing attributes of the electronic data in a second storage area of the communications system host.

11. (Previously Presented) The method of claim 1 further comprising presenting the endorsement information to the intended recipient.

12. (Previously Presented) The method of claim 1 wherein the endorsed information is presented with the attributes of the electronic data.

13. (Previously Presented) The method of claim 11 wherein the endorsed information is presented with the content of the electronic data.

14. (Previously Presented) The method of claim 11 wherein the endorsed information is capable of being rendered by the intended recipient as an icon indicative of endorsement.

15. (Previously Presented) The method of claim 11 wherein the endorsed information is capable of being rendered by the intended recipient as a graphical user interface indicative of endorsement.

16. (Previously Presented) The method of claim 15 wherein the graphical user interface includes a border indicative of endorsement around contents of the electronic data.

17. (Original) The method of claim 1 wherein the electronic data comprises an e-mail message.

18. (Original) The method of claim 1 wherein the electronic data comprises an instant message.

19. (Previously presented) An apparatus for transmitting electronic data, the apparatus comprising a host configured to:

receive, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient;

endorse the electronic data based on attributes of the electronic data; and

modify the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.

20. (Previously presented) A computer program, stored on a computer readable medium, comprising instructions for:

receiving, at a communications system host, electronic data transmitted from a sender and addressed to an intended recipient;

endorsing the electronic data based on attributes of the electronic data; and

modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.

21. (Original) The computer program of claim 20 wherein the computer readable medium is a disc.

22. (Original) The computer program of claim 20 wherein the computer readable medium is a client device.

23. (Original) The computer program of claim 20 wherein the computer readable medium is a host device.

24. (Original) The computer program of claim 20 wherein the computer readable medium is a propagated signal.

25. (Previously presented) A method for receiving electronic data transmitted from a sender to an intended recipient through a communications system, the communications system endorsing the electronic data based on attributes of the electronic data, the method comprising:  
receiving, from a communications system host, information indicating that the electronic data has been endorsed; and  
rendering the information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed so that rendering the electronic data visually distinguishes endorsed messages from nonendorsed messages.

26. (Previously Presented) The method of claim 25 wherein the endorsement information is rendered by the intended recipient as an icon indicative of endorsement.

27. (Previously Presented) The method of claim 25 wherein the endorsement information is rendered by the intended recipient as a graphical user interface indicative of endorsement.

28. (Previously Presented) The method of claim 27 wherein the graphical user interface includes a border indicative of endorsement around contents of the electronic data.

29. (Previously Presented) The method of claim 25 wherein the endorsement information is rendered with contents of the electronic data.

30. (Previously Presented) The method of claim 25 wherein the endorsed information is rendered with attributes of the electronic data.

31. (Original) The method of claim 25 wherein the electronic data comprises an e-mail message.

32. (Original) The method of claim 25 wherein the electronic data comprises an instant message.

33. (Previously presented) An apparatus for receiving electronic data transmitted from a sender to an intended recipient through a communications system, the communications system endorsing the electronic data based on attributes of the electronic data, the apparatus comprising a client configured to:

receive, from a communications system host, endorsement information indicating that the electronic data has been endorsed; and

render the endorsement information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed so that rendering the electronic data visually distinguishes endorsed messages from nonendorsed messages.

34. (Previously presented) A computer program stored on a computer-readable medium for receiving electronic data transmitted from a sender to an intended recipient through a communications system, the communications system endorsing the electronic data based on attributes of electronic data, the computer program comprising instructions for:

receiving, from a communications system host, endorsement information indicating that the electronic data has been endorsed; and

rendering the information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed so that rendering the electronic data visually distinguishes endorsed messages from nonendorsed messages.

35. (Original) The computer program of claim 34, wherein the computer readable medium is a disc.

36. (Original) The computer program of claim 34, wherein the computer readable medium is a client device.

37. (Original) The computer program of claim 34, wherein the computer readable medium is a host device.

38. (Original) The computer program of claim 34, wherein the computer readable medium is a propagated signal.

39. (Previously presented) A graphical user interface for rendering information associated with electronic data transmitted from a sender to an intended recipient, the graphical user interface rendering the endorsement information to a user of the intended recipient so as to inform the user of the intended recipient that the electronic data has been endorsed, the graphical user interface comprising a border indicative of endorsement around contents of the electronic data so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages.

40. (Previously presented) The method of claim 1 wherein modifying the electronic data includes enabling a messaging application to visually distinguish the endorsed messages from the nonendorsed messages.

41. (Previously presented) The method of claim 40 wherein enabling the messaging application to visually distinguish between the endorsed and nonendorsed messages includes presenting an endorsed icon for an endorsed electronic mail message in an electronic mail inbox that also includes nonendorsed electronic mail messages.

42. (Previously presented) The method of claim 40 wherein enabling the messaging application to visually distinguish between the endorsed and nonendorsed messages includes presenting an endorsed envelope, an endorsed seal, or an endorsed border for an endorsed electronic mail message that is differentiated from other envelopes, seals, or borders used in nonendorsed electronic mail messages.

43. (Previously Presented) The method of claim 1 wherein modifying the electronic data includes appending endorsement information to originally-received electronic data.

44. (Previously Presented) The method of claim 1 wherein modifying the electronic data includes instructing a rendering application that the electronic data represents endorsed communications.

45. (Previously Presented) The method of claim 1 wherein modifying the electronic data with endorsement information includes configuring a messaging communication to reflect endorsement by a messaging provider.

46. (Previously presented) The method of claim 1 wherein modifying the electronic data includes displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

47. (Previously presented) The apparatus of claim 19 wherein modifying the electronic data includes displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

48. (Previously presented) The computer program of claim 20 wherein modifying the electronic data includes displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

49. (Previously presented) The method of claim 25 wherein rendering the information includes displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

50. (Previously presented) The apparatus of claim 33 wherein the client is configured to displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

51. (Previously presented) The computer program of claim 34 wherein rendering the information includes displaying both the endorsed messages and the nonendorsed messages in a single display concurrently.

52. (Previously presented) The graphical user interface of claim 39 wherein the graphical user interface is structured and arranged to display both the endorsed messages and the nonendorsed messages in a single display concurrently.

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### **Evidence Appendix**

None.



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### **Related Proceedings Appendix**

None.